



November 23, 2015

FCC
Office of the Secretary
445 12th St SW
Washington, DC 20554

Re: Letter of Appeal
CC Docket No. 02-6
FCC Form 471 Application Number: 1034535
BEN: 15469
BEN FCC Registration Number: 12798609

Dear Sir or Madam,

This letter is an appeal of the Funding Commitment Decision Letter for Funding Year 2015 for Nardin Elementary Academy which denies funding for internal maintenance.

FRN: 2815158
Service Provider: Finger Lakes Technology Group
SPIN: 143030359

According to the Administrator's Decision on Appeal letter, we were denied for not posting a Form 470 for the internal maintenance services.

I have included a marked up copy of the original Form 470 indicating that we did request basic maintenance. The attached RFP was sent to all vendors who inquired about the services requested. As you can see from the RFP, Device Management is requested.

In looking at my Form 470, I realize that I listed the internal management as a Category 1 service rather than a Category 2 service. However, this was in no way intended as a way to confuse or exclude vendors. I feel that it was simply a clerical error as this was the first time we asked for such services on a Form 470.

In all 6 vendors contacted Nardin Elementary Academy about this Form 470 and 5 sent valid proposals for Internet services and internal maintenance. The 6th one sent the same proposal (for VOIP services) for all of our form 470's regardless of what we were actually asking for. However, I did send the RFP to this vendor with a note clarifying what we were looking for.

We respectfully ask that you review this matter and consider funding this FRN 2815158 for Funding Year 2015.

For additional information or to discuss this matter further, please do not hesitate to contact me.

Sincerely,



Patricia Pietruszka

IT Procurement Specialist

ppietruszka@nardin.org

Phone: 716-881-6262 ext 2000

FCC Form 470

Approval by OMB
3060-0806

Schools and Libraries Universal Service Description of Services Requested and Certification Form 470

Estimated Average Burden Hours per Response: 3 hours

This form is designed to help you describe the eligible services you seek so that this data can be posted on the Fund Administrator Internet Site and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before beginning this form.

Form 470 Application Number: 124170001295552	Applicant's Form Identifier: Internet-CL+WF
Application Status: CERTIFIED	Posting Date: 02/10/2015
Allowable Contract Date: 03/10/2015	Certification Received Date: 02/10/2015

Block 1: Applicant Address and Information

1 Name of Applicant:
NARDIN ELEMENTARY ACADEMY

2 Funding Year: 2015 (Funding years run from July 1 through the following June 30)

3 Entity Number: 15469

4a Street Address, P.O.Box, or Route Number:
135 CLEVELAND AVE

City: BUFFALO State: NY Zip Code: 14222 -1611

4b Telephone Number: (716) 881 -6262

4c Fax Number:

5a Eligible Entities That Will Receive Services:
Check the ONE choice in 5a that best describes the eligible entities that will receive the services described in this form. You will then list in Item 15 the entity/entities that will pay the bills for these services.

☒ Individual School (individual public or non-public school)

☐ School District (LEA: public or non-public [e.g., diocesan] local district representing multiple schools)

☐ Library (including library system, library outlet/branch or library consortium as defined under LSTA)

☐ Consortium (intermediate service agencies, states, state networks, consortia of schools and/or libraries)

☐ Statewide application for (enter 2-letter state code)
representing (check all that apply)

☐ All public schools/districts in the state

☐ All non-public schools in the state

☐ All libraries in the state

5b Recipient(s) of Services - Check all that apply:

☒ Private ☐ Public ☐ Charter

☐ Tribal ☐ Head Start ☐ State Agency

5c Number of eligible entities for which services are sought: 1

Block 1: Applicant Address and Information (continued)

6a Contact Person's Name:
Patricia Pietruszka

If the Contact Person's Street Address is the same as Item 4a above, check here. ☐ If not, complete Item 6b.

6b Street Address, P.O.Box, or Route Number:
NOTE: USAC will use this address to mail correspondence
135 CLEVELAND AVE

City: BUFFALO State: NY Zip Code: 14222 -1611

Check the box next to your preferred mode of contact and provide your contact information. One box MUST be checked and an entry provided.

☐ 6c Telephone Number: (716) 881 -6262

☐ 6d Fax Number:

☒ 6e E-Mail Address: ppietruska@nardin.org
Re-enter E-mail Address: ppietruska@nardin.org

If a consultant is assisting you with your application process, please complete Item 7 below:

7 Consultant Name:
Name of Consultant's Employer:
Consultant's Street Address:

City: State: Zip Code:

Consultant's Telephone Number: Ext.

Consultant's Fax Number:

Consultant's E-mail Address:

Re-enter E-mail Address:

Consultant Registration Number:

Entity Number: 15469	Applicant's Form Identifier: Internet-CL+WF														
Contact Person: Patricia Pietruszka	Phone Number: (716) 881-6262														
Block 2: Summary Description of Needs or Services Requested															
8 Category One: Internet Access and/or Telecommunications															
<i>If you check YES to indicate you have a Request for Proposals (RFP) that specifies the services you are seeking, your RFP must be available to all interested bidders for at least 28 days. If your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.</i>															
a <input checked="" type="checkbox"/> YES, I have released or intend to release an RFP for one or more of these services. It is available or will become available on the Internet at: or via (check one) <input checked="" type="checkbox"/> the contact person in Item 6 or <input type="checkbox"/> the contact person listed in Item 12 Your RFP Identifier: Internet-CL+WF															
b <input type="checkbox"/> NO, I have not released and do not intend to release an RFP for any of these services.															
Whether you check YES or NO, you must list below the Internet access and/or telecommunications you seek. Specify each service (e.g., voice service, monthly Internet access service, etc) and quantity and/or capacity (e.g., for voice service, 20 existing lines plus 10 new ones, or for monthly Internet access service, for 500 users).															
<table border="1"><thead><tr><th>Service</th><th>Quantity and/or Capacity</th></tr></thead><tbody><tr><td>Internet Access 200M (Fiber)</td><td>1000 users</td></tr><tr><td>Dark Fiber Service</td><td>1</td></tr><tr><td>Management of Cisco ASA Firewall</td><td>1</td></tr><tr><td>Management of Cisco Switches</td><td>18</td></tr><tr><td>Management of Peplink Multi-WAN Router</td><td>1</td></tr><tr><td>Management of Point to Point connection</td><td>1</td></tr></tbody></table>	Service	Quantity and/or Capacity	Internet Access 200M (Fiber)	1000 users	Dark Fiber Service	1	Management of Cisco ASA Firewall	1	Management of Cisco Switches	18	Management of Peplink Multi-WAN Router	1	Management of Point to Point connection	1	
Service	Quantity and/or Capacity														
Internet Access 200M (Fiber)	1000 users														
Dark Fiber Service	1														
Management of Cisco ASA Firewall	1														
Management of Cisco Switches	18														
Management of Peplink Multi-WAN Router	1														
Management of Point to Point connection	1														
9 [Reserved]															

Managed Services

Entity Number: 15469		Applicant's Form Identifier: Internet-CL+WF	
Contact Person: Patricia Pietruszka		Phone Number: (716) 881-6262	
10 Category Two: Internal Connections and Managed Internal Broadband Services			
If you check YES to indicate you have a Request for Proposals (RFP) that specifies the services you are seeking, your RFP must be available to all interested bidders for at least 28 days. If your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.			
a <input checked="" type="checkbox"/> YES, I have released or intend to release an RFP for one or more of these services. It is available or will become available on the Internet at: or via (check one) <input type="checkbox"/> the contact person in Item 6 or <input checked="" type="checkbox"/> the contact person listed in Item 12 Your RFP Identifier:			
b <input type="checkbox"/> NO, I have not released and do not intend to release an RFP for any of these services.			
Whether you check YES or NO, you must list below the Internal Connections and Managed Internal Broadband Services you seek. Specify each service (e.g., a router, hub and cabling) and quantity and/or capacity (e.g., connecting 1 classroom of 30 students).			
Service		Quantity and/or Capacity	
Internet Access 200M (Fiber)		1	
Peplink Multi-WAN Router		1	
11 Category Two: Basic Maintenance of Internal Connections			
If you check YES to indicate you have a Request for Proposals (RFP) that specifies the services you are seeking, your RFP must be available to all interested bidders for at least 28 days. If your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.			
a <input type="checkbox"/> YES, I have released or intend to release an RFP for these services. It is available or will become available on the Internet at: or via (check one) <input type="checkbox"/> the contact person in Item 6 or <input type="checkbox"/> the contact person listed in Item 12 Your RFP Identifier:			
b <input type="checkbox"/> NO, I have not released and do not intend to release an RFP for these services.			
Whether you check YES or NO, you must list below the Basic Maintenance services you seek. Specify each service (e.g., basic maintenance of routers) and quantity and/or capacity (e.g., for 10 routers).			
Entity Number: 15469		Applicant's Form Identifier: Internet-CL+WF	
Contact Person: Patricia Pietruszka		Phone Number: (716) 881-6262	
12 (Optional) Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This person does not need to be the contact person(s) listed in Item 6 nor the Authorized Person who signs this form.			
Name: Melissa Sheehan			
Title: Director of Technology			
Telephone Number: (716) 881 - 6262 Ext. 2015			
Fax Number:			
Email Address: msheehan@nardin.org			
Re-enter E-mail Address: msheehan@nardin.org			
13 <input type="checkbox"/> Check this box if there are any restrictions imposed by state or local laws or regulations on how or when service providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures and/or provide an Internet address where they are posted and a contact name and telephone number.			
<input checked="" type="checkbox"/> Check this box if no state and local procurement/competitive bidding requirements apply to the procurement of services sought on this FCC Form 470. If you are requesting services for a funding year for which an FCC Form 470 cannot yet be filed online, include that information here.			
Block 3:			
14. [Reserved]			
Entity Number: 15469		Applicant's Form Identifier: Internet-CL+WF	
Contact Person: Patricia Pietruszka		Contact Phone Number: (716) 881-6262	
Block 4: Recipients of Service			
15 Billed Entities			
List the entity/entities that will be paying the bills directly to the provider for the services requested in this form. These are known as Billed Entities. At least one line of this item must be completed. If a Billed Entity cited on your FCC Form 471 is not listed below, funding may be denied for the funding requests associated with this FCC Form 470. Attach additional pages if needed.			
Entity Number	Entity Name		
15469	NARDIN ELEMENTARY ACADEMY		

Entity Number: 15469		Applicant's Form Identifier: Internet-CL+WF	
Contact Person: Patricia Pietruszka		Contact Phone Number: (716) 881-6262	
Block 5: Certifications and Signature			
<p>16 I certify that the applicant includes: (Check one or both.)</p> <p>a <input checked="" type="checkbox"/> schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801 (18) and (38), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or</p> <p>b <input type="checkbox"/> libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools (including, but not limited to elementary and secondary schools, colleges, and universities).</p>			
17 [Reserved]			
<p>18 <input checked="" type="checkbox"/> I certify that I will post my FCC Form 470 and (if applicable) make any applicable RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted will be carefully considered and the bid selected will be for the most cost-effective service or equipment offering, with price being the primary factor, and will be the most cost-effective means of meeting educational needs and technology goals.</p>			
<p>19 <input checked="" type="checkbox"/> I certify that I will retain required documents for a period of at least 10 years (or whatever retention period is required by the rules in effect at the time of this certification) after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the form for, receipt of, and delivery of services receiving schools and libraries discounts. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.</p>			
<p>20 <input checked="" type="checkbox"/> I certify that the services the applicant purchases at discounts provided by 47 U.S.C. § 254 will be used primarily for educational purposes, see 47 C.F.R. § 54.500, and will not be sold, resold or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. § 54.513. Additionally, I certify that the entity or entities listed on this form have not received anything of value or a promise of anything of value, other than services and equipment sought by means of this form, from the service provider, or any representative or agent thereof or any consultant in connection with this request for services.</p>			
<p>21 <input checked="" type="checkbox"/> I acknowledge that support under this support mechanism is conditional upon the school(s) and/or library(ies) I represent securing access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that I have considered what financial resources should be available to cover these costs.</p>			
<p>22 <input checked="" type="checkbox"/> I certify that I am authorized to procure eligible services for the eligible entity(ies). I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this form, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.</p>			
<p>23 <input checked="" type="checkbox"/> I certify that I have reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that I have complied with them. I acknowledge that persons willfully making false statements on this form may be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001.</p>			
<p>24 <input checked="" type="checkbox"/> I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program.</p>			
Entity Number: 15469		Applicant's Form Identifier: Internet-CL+WF	
Contact Person: Patricia Pietruszka		Contact Phone Number: (716) 881-6262	
25 Signature of authorized person: <input checked="" type="checkbox"/>		26 Date: 02/10/2015	
<p>27a Printed name of authorized person: Patricia Pietruszka</p>			
<p>27b Title or position of authorized person: IT <input type="checkbox"/> Check here if the consultant in Item 7 is the Authorized Person.</p>			
<p>27c Street Address, P.O. Box, Route Number, City, State, Zip Code: 135 Cleveland Ave City: Buffalo State: NY Zip Code: 14222</p>			
<p>27d Telephone Number of Authorized Person: (716) 912-0138</p>			
<p>27e Fax Number of Authorized Person:</p>			
<p>27f E-mail Address of Authorized Person: ppietruszka@nardin.org Re-enter E-mail Address: ppietruszka@nardin.org</p>			
<p>27g Name of Authorized Person's Employer: Nardin Academy</p>			
<p>Service provider involvement with preparation or certification of an FCC Form 470 can taint the competitive bidding process and result in the denial of funding requests. For more information, refer to the Schools and Libraries area of the USAC web site at www.usac.org/sl or call the SLD Client Service Bureau at 1-888-203-8100.</p>			

Entity Number: 15469	Applicant's Form Identifier: Internet-CL+WF
Contact Person: Patricia Pietruszka	Phone Number: (716) 881-6262

NOTICE: In accordance with Section 54.503 of the Federal Communications Commission's rules, certain schools and libraries ordering services that are eligible for and seeking universal service discounts must file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator. 47 C.F.R. § 54.503(c). The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.503. Schools and libraries must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, information provided in or submitted with this form or in response to subsequent inquiries may also be subject to disclosure consistent with the Communications Act of 1934, FCC regulations, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law.

If you owe a past due debt to the federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your form without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, *et seq.*

Public reporting burden for this collection of information is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

FCC Form 470
October 2014[New Search](#)[Return To Search Results](#)

NARDIN ACADEMY
135 CLEVELAND AVE
BUFFALO, NY 14222

Contact: Melissa Sheehan
masheehan@nardin.org
716-881-6262 ext 2015

Form 470: **124170001295552**

Internet Access: 135 Cleveland Avenue and 702 W. Ferry St., Buffalo, NY

200 M Internet Service (Fiber)
1000 users

- 1 Dark Fiber Line connecting 135 Cleveland to 702 W. Ferry
- 1 Peplink Multi-WAN Server



Device Management Onsite and Remotely as needed

- 1 Peplink Multi-WAN Server (Cleveland Ave)
- 1 Cisco ASA Firewall (Cleveland Ave)
- 18 Cisco Switches (Cleveland Ave)
- 1 ISA Firewall (W. Ferry)
- 1 HP Router (W. Ferry)

2 year contract (7/1/2015 – 6/30/17)

Contract support - Premium on our internal Cisco switches and firewall
Cisco certified engineers on staff

Installation to be completed as close to July 1, 2015 as possible (preferably before).

We will accept bids for this as well as our Internet Backup service (Form 470 -554530001323476)

Also, the same leased lines as the backup service provider uses may not be used for this service.



Schools and Libraries Division

FUNDING COMMITMENT DECISION LETTER
(Funding Year 2015: 07/01/2015 - 06/30/2016)

July 17, 2015

Patricia Pietruszka
NARDIN ELEMENTARY ACADEMY
135 CLEVELAND AVE
BUFFALO, NY 14222-1611

Re: FCC Form 471 Application Number: 1034535
Billed Entity Number (BEN): 15469
Billed Entity FCC Registration Number (FCC RN): 0012798609
Nickname: Internal maintenance

Thank you for your Funding Year 2015 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the FCC Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$3,600.00 is "Denied."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation and Children's Internet Protection Act and Technology Plan Certification Form. A guide that provides a definition for each line of the Report is available in the Guide to USAC Letter Reports in the Reference Area of our website.

NEXT STEPS

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full.
- Review Children's Internet Protection Act (CIPA) requirements.
- File FCC Form 486.
- Invoice USAC using the FCC Form 474, Service Provider Invoice (SPI) Form, or FCC Form 472, Billed Entity Applicant Reimbursement (BEAR) Form, as products and services are being delivered and billed.

TO APPEAL THIS DECISION:

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., FCDL) and the decision you are appealing:
 - ✓ Appellant name,
 - Applicant name and service provider name, if different from appellant,
 - Applicant BEN and Service Provider Identification Number (SPIN),
 - FCC Form 471 Application Number 1034535 and the Funding Request Number (FRN) or Numbers as assigned by USAC,
 - "Funding Commitment Decision Letter for Funding Year 2015," AND
 - The exact text or the decision that you are appealing.

Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685
Visit us online at: www.usac.org/sl